

EXHIBIT I

Emails Between the Parties

Re: Proposals Regarding Plaintiffs' Second Set of RFPs

September 9, 2020 – September 11, 2020

From: [Powell, Brent](#)
To: [Simpson, Carter C.](#)
Cc: [Cooney III, James P.](#); [TMiller@bakerandmiller.com](#); [eglavich@bakerandmiller.com](#); [AMcDonald@bakerandmiller.com](#); [Stone, Sarah Motley](#); [Phair, Ryan P.](#); [Martin, Jack](#); [Lamberth, James A.](#); [Oeltjenbruns, Kelly](#); [Bakowski, Alan W.](#)
Subject: Re: Proposals regarding Plaintiffs' Second Set of RFPs
Date: Friday, September 11, 2020 6:46:39 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image46a780.PNG](#)
[image668b01.PNG](#)
[image8c3729.PNG](#)
[image0bf6ae.PNG](#)

Carter,

You indicated that Plaintiffs wanted a response to the September 9 letter before filing your opposition, and we are trying to accommodate that. If Plaintiffs are concerned about the timing of a ruling on the Motion for Protective Order, there is nothing stopping you from filing an opposition now (or, for that matter, at any point prior to today). If we reach agreement on any issues, that can be reflected in DFA's reply brief.

We are not agreeable to negotiating search terms as to the RFPs that are subject to the motion.

Best,

Brent

Brent Powell
Partner
Womble Bond Dickinson (US) LLP

d: 336-728-7023
e: Brent.Powell@wbd-us.com

One West Fourth Street
Winston-Salem, NC 27101



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On Sep 11, 2020, at 4:15 PM, Simpson, Carter C. <csimpson@hunton.com> wrote:

Thanks, Brent.

Taking until Tuesday is fine with us, with an extension until Friday for the response. However, we are concerned that – unless DFA determines that we can reach agreement as to scope of the subject requests without court intervention – this timeline will make DFA's reply brief due on September 25. On August 21, Plaintiffs proposed a procedure for expedited discovery briefing, and we have followed up on our last three weekly calls to try to get DFA's counterproposal. On every call, DFA said its proposal is forthcoming, but at this time DFA has still offered no response as to how we can shorten the default briefing schedule. Accordingly, I doubt we will have court resolution on the requests prior to the current October 2 deadline for document production, not to mention time for a search for and production of responsive documents.

In light of this, would DFA be amenable to proceeding with search term negotiations on Food Lions' Second Set of RFPs, so that if the court determines that some or all of the 16 requests are fair game, we already have a preliminary agreement as to search terms?

Best,

Carter C. Simpson
Hunton Andrews Kurth LLP
w. 202-955-1850
c. 843-618-7917

From: Powell, Brent <Brent.Powell@wbd-us.com>
Sent: Friday, September 11, 2020 2:15 PM
To: Simpson, Carter C. <csimpson@hunton.com>
Cc: Cooney III, James P. <Jim.Cooney@wbd-us.com>; TMiller@bakerandmiller.com; eglavich@bakerandmiller.com; AMcDonald@bakerandmiller.com; Stone, Sarah Motley <Sarah.Stone@wbd-us.com>; Phair, Ryan P. <rphair@hunton.com>; Martin, Jack <jmartinj@hunton.com>; Lamberth, James A. <james.lamberth@troutman.com>; Oeltjenbruns, Kelly <KOeltjenbruns@hunton.com>; Bakowski, Alan W. <alan.bakowski@troutman.com>
Subject: RE: Proposals regarding Plaintiffs' Second Set of RFPs

Carter,

Thanks for your email. I think a short extension makes the most sense. We should be able to respond by Tuesday at the latest; would an extension of the opposition deadline until Friday be sufficient?

Best,

Brent

Brent Powell

Partner

Womble Bond Dickinson (US) LLP

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[<image002.png>](#)

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[<image003.png>](#) [<image004.png>](#) [<image005.png>](#)

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From: Simpson, Carter C. <csimpson@hunton.com>

Sent: Thursday, September 10, 2020 11:35 PM

To: Powell, Brent <Brent.Powell@wbd-us.com>

Cc: Cooney III, James P. <Jim.Cooney@wbd-us.com>; TMiller@bakerandmiller.com; eglavich@bakerandmiller.com; AMcDonald@bakerandmiller.com; Stone, Sarah Motley <Sarah.Stone@wbd-us.com>; Phair, Ryan P. <rphair@hunton.com>; Martin, Jack <martinj@hunton.com>; Lamberth, James A. <james.lamberth@troutman.com>; Oeltjenbruns, Kelly <KOeltjenbruns@hunton.com>; Bakowski, Alan W. <alan.bakowski@troutman.com>

Subject: RE: Proposals regarding Plaintiffs' Second Set of RFPs

Brent,

Attached please find correspondence concerning those of Plaintiffs' Second Set of RFPs that are not subject to DFA's motion for a protective order. On yesterday's call, you mentioned that DFA will either respond by Friday regarding the protective order RFPs or, alternatively, be amenable to an extension of Plaintiffs' response deadline so that DFA can consider Plaintiffs' proposals. Please let us know what approach DFA is taking so that we can plan accordingly.

Thanks,

Carter C. Simpson
Hunton Andrews Kurth LLP
w. 202-955-1850
c. 843-618-7917

From: Simpson, Carter C.
Sent: Wednesday, September 9, 2020 10:26 AM
To: Powell, Brent <Brent.Powell@wbd-us.com>
Cc: Cooney III, James P. <Jim.Cooney@wbd-us.com>; TMiller@bakerandmiller.com; eglavich@bakerandmiller.com; 'AMcDonald@bakerandmiller.com' <AMcDonald@bakerandmiller.com>; Sarah.Stone@wbd-us.com; Phair, Ryan P. <rphair@hunton.com>; Martin, Jack <martinj@hunton.com>; Lamberth, James A. <james.lamberth@troutman.com>; Oeltjenbruns, Kelly <KOeltjenbruns@hunton.com>; Bakowski, Alan W. <alan.bakowski@troutman.com>
Subject: Proposals regarding Plaintiffs' Second Set of RFPs

Brent,

Thank you for meeting and conferring with us on Friday regarding Plaintiffs' Second Set of RFPs. The attached letter addresses those RFPs that are subject to DFA's pending motion for a protective order, and I will follow up shortly with a letter concerning the remainder of the RFPs. We ask that you please let us know by Friday which RFP objections set forth in DFA's motion cannot be addressed by the attached proposed narrowing principles or via our search term and custodian discussions.

Best,
Carter

<image006.png>

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